

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**ADMINISTRATIVE RULE  
FISCAL IMPACT STATEMENT**

**PROPOSED RULE:** 98-260  
1999

**DATE PREPARED:** Mar 10,

**STATE AGENCY:** Solid Waste Management Board

**DATE RECEIVED:** Jan 25, 1999

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**Digest of Proposed Rule:** (1) This proposed rule adds 329 IAC 4.1 to incorporate by reference the most recent version of the federal regulations at 40 CFR 761, as amended on June 29, 1998, at 63 FR 35436 through 63 FR 35474, for management of wastes containing polychlorinated biphenyls or terphenyls (PCBs). It repeals 329 IAC 4. This impacts generators of waste containing PCBs and facilities that manage, treat, or dispose of PCB wastes, including municipal and nonmunicipal solid waste landfills.

(2) This proposed rule also has the following provisions: (a) It adds location restrictions, public notice and public participation requirements, and notice of activity requirements for alternative disposal facilities, PCB incinerators, high efficiency boilers, and chemical waste landfills; (b) It adds requirements for mobile facilities that dispose of PCBs; and (c) It adds requirements for waste streams containing or contaminated with PCBs that may be disposed of in a municipal or nonmunicipal solid waste landfill.

**Governmental Entities:**

Indiana Department of Environmental Management: This proposed rule will not have a fiscal impact on the Indiana Department of Environmental Management (IDEM).

There are no unfunded mandates placed upon any state agency or local unit of government by this proposed rule.

(1) The cost savings to state and local entities that generate PCB-containing waste or that manage, treat, or dispose of PCB-containing waste is included in the \$3.6 million to \$14.7 million estimate given for regulated entities below. The actual impact on each state and local entity is indeterminable.

(2c) This portion of the proposed rule requires state and local entities that generate waste containing PCBs at a concentration of less than 50 parts per million (ppm) that are disposed of in a municipal or nonmunicipal solid waste landfill to certify to the landfill that the source of the PCBs was less than 50 ppm and to comply with the special waste rules at 329 IAC 10-8.1. It is estimated that there will be minimal costs associated with certification. There should be no costs associated with compliance of special waste rules since generators must already comply with those rules.

### **Regulated Entities:**

(1) The U.S. Environmental Protection Agency (EPA), in estimating the fiscal impact of this rule, compared its final rule to the following three cost baselines: (a) the costs derived from EPA policy as it has evolved in response to PCB waste handling issues; (b) a literal interpretation of the existing regulation; and (c) the special circumstances surrounding PCB-contaminated ship hulls. However, it is estimated that the special circumstances surrounding ship hulls would not apply to any entities in Indiana. Based on the first two baselines, the EPA estimated that the net, annual cost savings would range from \$178.1 million (EPA policy baseline) to \$736.1 million (existing regulation baseline). If Indiana's economy is considered to be 2% of the national economy, the total annual savings to all entities in the state would range from approximately \$3.6 million to \$14.7 million. The actual impact on each regulated entity is indeterminable.

(2a) This portion of the proposed rule provides additional requirements for alternative disposal facilities, PCB incinerators, high efficiency boilers, and chemical waste landfills. The additional requirements are similar to existing requirements under the federal Resource Conservation and Recovery Act (RCRA) and local ordinances. The only additional cost is from the requirement to notify IDEM and certain local entities regarding PCB waste activity. This cost is estimated to be minimal. Currently, there is only one alternative disposal facility, Safety-Kleen Corporation, in Indiana. Currently, there are no known EPA-permitted PCB incinerators in Indiana. In addition, there are no known high efficiency boilers or chemical waste landfills in Indiana.

(2b) This portion of the proposed rule provides that if a mobile facility operates in a single location for less than 180 days, it only has to comply with existing federal requirements. However, if a mobile facility operates in a single location for more than 180 days, it would become subject to the same requirements as alternative disposal facilities, PCB incinerators, high efficiency boilers, and chemical waste landfills. The additional requirements are an attempt to discourage mobile facilities from operating in the state for more than 180 days. The cost of complying with these requirements could be significant. Currently, an estimated four mobile facilities operate in Indiana.

(2c) This portion of the proposed rule requires generators of waste containing PCBs at a concentration of less than 50 ppm that are disposed of in a municipal or nonmunicipal solid waste landfill to certify to the landfill that the source of the PCBs was less than 50 ppm and to comply with the special waste rules at 329 IAC 10-8.1. It is estimated that there will be minimal costs associated with certification. There should be no costs associated with compliance of special waste rules since generators must already comply with those rules.

**Information Sources:** 63 FR 124, June 29, 1998, page 35433; Steven Mojonner, Office of Solid and Hazardous Waste Management, Indiana Department of Environmental Management, 233-1655.